

FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2005 FEB 18 P 3:51

W. MICHAEL CAHILL,

Plaintiff,

v.

VERIZON, SYSTEM COUNCIL T6/LOCAL
222 IBEW,

Defendants

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11986-MEL

**REPLY OF DEFENDANTS SYSTEM COUNCIL T-6 AND LOCAL 2222, IBEW TO
PLAINTIFF'S MOTION FOR RECONSIDERATION AND/OR PLAINTIFF'S
AMENDED REQUESTS (SIC) THE JUDGE TO RECONSIDER THE GRANTED
MOTION TO DISMISS**

W. Michael Cahill's ("Cahill") "Motion", on its face, acknowledges that any alleged improper conduct occurred long before the filing of the instant case. Cahill acknowledges that he was fully aware of his alleged improper change in status in March 2002 and that this change in status caused his loss of employment in or about December 2002. Cahill appears to argue that when he wrote a letter¹ to Defendant Local 2222 (he never wrote to the System Council T-6) in February of 2004, or inquired by email thereafter, he somehow resurrected a claim that was time-barred. Cahill's claim that his requests for "help" somehow make timely that which is untimely, must fail.

¹ See attached letter to Edward Fitzpatrick, President of Local 2222, which Cahill, in his Memorandum Of Facts In Opposition To Motion To Dismiss, avers was sent on February 4, 2004.

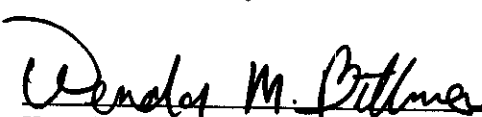

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Wherefore, Defendants respectfully request that Cahill's "Motion" be denied.

Respectfully submitted,

LOCAL 2222, IBEW and SYSTEM COUNCIL T-6
By Their Attorney

Date: February 18, 2005



 
Wendy M. Bittner, BBO# 044100
15 Court Square - Ste. 300
Boston, MA 02108
617-627-0200

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document, Motion to dismiss of Defendants System council T-6 and Local 2222, IBEW, was served upon the following via first-class mail, postage prepaid, on February 18, 2005:

W. Michael Cahill
12 Whitewood Circle
Amesbury, MA 01913

Arthur Telegen, Esq.
Counsel for Verizon
Foley Hoag LLP
155 Seaport Blvd
Boston, MA 02210

 
Wendy M. Bittner

Edward Fitzpatrick
122 Quincy Shore Drive
Quincy MA 02171

Dear Fitz:

I am writing to you for two reasons. First and foremost to say, "Thank you." February 13, 2004 marks my one anniversary of being clean. Although during the time that you spent with me I did not seem receptive to your words of advice, I eventually realized that you were right, and fortunately for me it was not too late. Today I still attend meetings and my values and my priorities have changed and for that I am grateful. When I look back what I thought were the worst days of my life were really the best and vice versa.

The second reason that I write to you is something that I should have more aggressively pursued along time ago, but because of my state I didn't, and now I am coming to you and the rest of the union asking for support. Here is a recap of my situation. Verizon hired me on October 30, 2000. I was hired as a temporary employee with the possibility of becoming permanent. In December of 2000 or January 2001 I was called into my managers office Dan Bradley and Thomasine Williams office and was told that I was made permanent. Dan showed me the screen and Thomasine had a printout that she was putting in my file. This was a great thing.

In May of 2001 the company had declared its first surplus, and in confidence Lisa's manager had called her into the office, as he knew that I was originally hired as a temp. At that point she had said to him that I was permanent, and then she called Christine Lonero and she confirmed that in fact I was.

In August of 2001 I was transferred as a permanent employee to 125 High Street based on the needs of the business. At that time I met, Chris Gould, he was a tech that was transferred in from the EI Dept. He was transferred in because of his disability he could not perform the EI job. Through everyday interaction it came out that he was a temporary employee, and that he was hired into a different local the day before I was hired. There were several union techs there, and at that time I said that I was in fact permanent and showed them the BA People screen and then we all told Chris to call the union and file a grievance, because traditionally the union always fights for the individual and make that person permanent.

In February of 2002- March of 2002, as you are well aware of my life became very unmanageable. I was in and out of work because of my back, my drug addiction, and the birth of my second son.

While I was applying for FMLA for the birth of my son my current manager Ellen called me at home to get some information. At that time she asked me if I was temporary or permanent. I told her that I was permanent and she said that there was a discrepancy in my file, and that she would get it corrected, not to worry about it. Upon my return to work I immediately signed into the BA People screen and saw that my status had been changed with out my knowledge from permanent to temporary with at March 2002 date. I went to the union and they said they would look into it, and not to worry because the company can't change you from permanent to temporary. I immediately went to Thomasine Williams who said not to worry about it, that she had a printout and that she would get me a copy. No one ever got back to me. My addiction was my focus. In October of 2002 Lisa and I wrote a letter to the HR Helpline. (See attached) to try and get this corrected prior to the pending lay off in December, but they just stated that

going to get called back and a second surplus had already been declared.
My little bit of motivation was gone, when Lisa showed me that in November of 2003. At this point I had lost my family and was about to loose my job. I was given the EIPP, and signed it and declined it, but never received the \$2200 per year. As you know my problems were greater then that. I was laid off and collected unemployment like the others.

Then on February 13, 2003 something was different about that day. I woke up in a motel. I had no job, no money, and no family... This was exactly what I wanted right, no hassle, and no responsibility. Something came over me that day, and I finally had hope, and at this moment I began to fight for my life, my kid's life, and my wife's life. My life is powerful now and almost complete. I started up a small business, but since the arbitration ruling in July I feel and I am sure that you will agree that I deserve my job back. Management made me permanent, and if that means that the company needs to call one more person back then that is what it means.

In October and December of 2003 I wrote Ivan Seidenberg a letter stating my case. He referred my letter to the EEO office, Paul McGovern, who verbally called me back and admitted that Verizon made a mistake but said there is nothing that he can do... How would he feel if someone changed his status and he lost his job because of it? I told him that I was going to pursue it further.

I am not looking to take the company to court, and jeopardize Lisa's career, but I am looking for my job back. Like the arbitration ruling declared. There were CO Techs hired in our local on April 30, 2001 six months after I was hired and they are back to work with back pay.

Can you please help me? Help support my family.

Sincerely yours,

Michael Cahill
978-388-4405

cc Myles Calvey